

REMARKS

The pending claims (claims 1-21) remain directed to certain potassium channel inhibitors, compositions and related methods. Applicants following remarks are directed to all of the rejections discussed in the Detailed Action.

Applicants again note with appreciation the indication that claims 4, 10, 12 and 15-21 would allowable if rewritten in independent form. The earlier Office Action had acknowledged that the record prior art "do not teach compounds of formula (I) having R² as a substituted pyridyl ring." Applicants have amended the claims, as detailed below, and are confident that the remaining claims also will be found allowable.

The claims have been amended to place them in better form for appeal and to remove issues presented in the Final Office Action. In particular, claim 1 (and thus all the remaining claims dependent thereon) has been amended to direct R⁵ and R⁶ to independently represent one of hydrogen, fluoro and alkyl. In particular, the provision that R⁵ and R⁶ together, along with the carbon atom to which they are both attached, can form a 3-membered to 7-membered carbocyclic, or heterocyclic ring has been deleted from the claims. Claims 18 and 21 also have been amended to remove the recitation of "pro-drug." This amendment is made so that these claims are consistent with the compound and composition claims. Claims 22 has been canceled. No new matter is added by these amendments.

Entry of the amendments under Rule 1.116 is respectfully requested. The amendments reduce the number of pending claims and place the claims in better form for appeal of the rejections presented in the Office Action.

Claims 1-3, 5, 7-9¹, 11 and 13 and 14 have again been rejected under 35 U.S.C. 112, first paragraph. These rejections are respectfully traversed.

The Office Action initially contends that the specification lacks a written description for compounds and does not provide an enabling description for compounds where R⁵ and R⁶ form a ring, *i.e.*, a spiro cycle. While applicants, for the reasons presented in the prior Amendment B, dispute these positions, in the interest of simplifying the issues for appeal and facilitating the further prosecution of the pending application, applicants have amended the pending claims to eliminate from their scope the provision of a spiro ring structure.

¹ The rejection actually includes claim 6. However, like claim 4 which is indicated as being allowable, claims 6 limits R⁵ and R⁶ to hydrogen. As a result, applicants believe this claims was included in the rejection by an oversight.

Claim 22 is rejected under 35 U.S.C. 112, first paragraph, as failing to provide both an adequate written description and as lacking enablement for cell proliferative disorder. While applicants, for reasons presented in the prior Amendment B believe that this rejection is inappropriate, in the interest of facilitating prosecution, applicants have cancelled claim 22. Accordingly, this rejection now should be withdrawn in view of the cancellation of claim 22.

On the basis of the foregoing, prompt reconsideration of claims 1-21 in the subject application is respectfully requested.

Respectfully submitted,

BANNER & WITCOFF, LTD.

A large, stylized handwritten signature in black ink, appearing to read 'JMS', is written over a horizontal line.

By: _____

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